



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

SEP 24 2004

AE-17J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Michael A. Nash  
3M Office of General Counsel  
3M Center, Building 0220-11-W-02  
P.O. Box 33428  
St. Paul, Minnesota 55133-3428

Re: In the Matter of 3M Company  
Cordova, Illinois  
CAA Docket No. **CAA-05- 2004 00-4** *[Handwritten signature]*

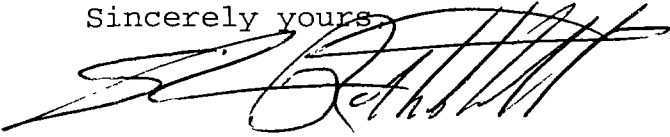
Dear Mr. Nash:

Enclosed herein is a Complaint and Notice of Opportunity for Hearing filed against 3M Company, pursuant to Section 113(d) of the Clean Air Act (Act), 42 U.S.C. § 7413(d). It is alleged in the Complaint that 3M Company violated the Pharmaceutical Maximum Achievable Control Technology at 40 C.F.R. 63 Subpart GGG. Specifically, 3M Company failed to (1) to develop and implement a written startup, shutdown, malfunction plan (SSMP); (2) to develop and implement a maintenance wastewater plan (MWP); (3) to develop and maintain Pharma-MACT applicability determinations; (4) to perform initial compliance demonstrations on process condensers; (5) to perform initial demonstrations on condensers operating as air pollution control devices; (6) to maintain reliable emission models and use appropriate emission estimation equations. The proposed penalty in this action is based on 3M Company's achievement of compliance pursuant to the Consent Agreement and Final Order executed by 3M Company.



For additional information or clarification of any issue regarding this matter, you may contact Reginald Pallesen, Assistant Regional Counsel (C-14J), 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, (312) 886-0555, or Constantinos Loukeris, Environmental Engineer (AE-17J), 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, (312) 353-6198.

Sincerely yours



Stephen Rothblatt, Director  
Air and Radiation Division

Enclosures

cc w/enc:

Ken Ramm, Environmental, Health, Safety  
and Regulatory Manager  
3M Company Specialty Materials Manufacturing Division  
22614 Route 84 North  
Cordova, Illinois 61242

Julie Armitage, Section Manager  
Compliance and Systems Management Section  
Illinois Environmental Protection Agency  
1021 North Grand Avenue  
Springfield, Illinois 62702

Mike Knobloch, District Engineer  
Illinois Environmental Protection Agency  
1630 - 5<sup>th</sup> Avenue  
Moline, Illinois 61265



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

3M Company  
22614 Route 84 North  
Cordova, Illinois 61242,  
  
**Respondent.**

Docket No. CAA-05- 2004 0046  
  
Proceeding to Assess an  
Administrative Penalty  
under Section 113(d) of the  
Clean Air Act,  
42 U.S.C. § 7413(d)

**Administrative Complaint**

1. This is an administrative action for the assessment of a civil penalty brought pursuant to Section 113(d) of the Clean Air Act (the Act), 42 U.S.C. § 7413(d), and the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits," 40 C.F.R. Part 22.

2. The Complainant is, by lawful delegation, the Director of the Air and Radiation Division, United States Environmental Protection Agency (U.S. EPA), Region 5, Chicago, Illinois.

3. The Respondent is 3M Company, a corporation doing business in the State of Illinois.

**Statutory and Regulatory Background**

4. Pursuant to Section 112 of the Act, 42 U.S.C. § 7412, the Administrator of U.S. EPA (Administrator) promulgated the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Pharmaceuticals Production, codified at 40 C.F.R. Part 63, Subpart GGG.

5. Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), and 40 C.F.R. Part 19, as amended by 69 Fed. Reg. 7121 (Feb. 13, 2004), provide that the Administrator may assess a civil penalty of up to \$27,500 per day of violation up to a total of \$220,000 for NESHAP violations

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REGION V



that occurred from January 31, 1997 to March 15, 2004, and may assess a civil penalty of up to \$32,500 per day of violation up to a total of \$270,000 for NESHAP violations that occurred after March 15, 2004.

6. Section 113(d)(1) of the Act limits the Administrator's authority to matters where the first alleged date of violation occurred no more than 12 months prior to initiation of the administrative action, except where the Administrator and Attorney General of the United States jointly determine that a matter involving a longer period of violation is appropriate for an administrative penalty action. The Administrator and the Attorney General of the United States, each through their respective delegates, have determined jointly that an administrative penalty action is appropriate for the period of violations alleged in this Complaint.

7. The NESHAP for Pharmaceuticals Production was proposed on April 2, 1997, became final on September 21, 1998. The owner or operator of an existing affected source must comply with the provisions of this NESHAP no later than October 21, 2002, as required under 40 C.F.R. § 63.1250(f)(1).

8. The NESHAP for Pharmaceuticals Production defines an affected source as a source that: a) manufactures a pharmaceutical product; b) is located at a plant site that is a major source as defined in Section 112(a) of the Act and; c) processes, uses or produces Hazardous Air Pollutants (HAPs).

9. The NESHAP, at 40 C.F.R. § 63.6(e)(3)(i), requires the owner or operator of an affected source to develop and implement a written startup, shutdown and malfunction plan (SSMP) describing, in detail, procedures for operating and maintaining the source during periods of startup, shutdown and malfunction and a program of corrective action for malfunctioning





process and air pollution control equipment used to comply with the relevant standard.

10. The NESHAP, at 40 C.F.R. § 63.1259(a), requires the owner or operator of an affected source to comply with the recordkeeping requirements in 40 C.F.R. Part 63, Subpart A.

11. The NESHAP, at 40 C.F.R. § 63.1259(a)(3), requires the owner or operator of an affected source to develop and implement a written SSMP and keep the current and superceded versions of this plan onsite.

12. The NESHAP, at 40 C.F.R. § 63.1256(a)(4), requires an owner or operator of a source subject to 40 C.F.R. Part 63, Subpart GGG to comply with the requirements of 40 C.F.R. § 63.1256(a)(4)(i) through (iv) for maintenance wastewater containing partially soluble or soluble HAP.

13. The NESHAP, at 40 C.F.R. § 63.1256(a)(4)(i), requires that an owner or operator prepare a description of maintenance procedures for management of wastewater generated from the emptying and purging of equipment in the process during temporary shutdowns for inspections, maintenance and repair and during periods which are not shutdowns.

14. The NESHAP, at 40 C.F.R. § 63.1256(a)(4)(iii), requires that an owner or operator implement the procedures described in 40 C.F.R. § 63.1256(a)(4)(i) and (ii) as part of the SSMP.

15. The NESHAP, at 40 C.F.R. § 63.1256(a)(4)(iv), requires that an owner or operator maintain a record of the information required by 40 C.F.R. § 63.1256 (a)(4)(i) and (ii) as part of the SSMP.

16. The NESHAP, at 40 C.F.R. § 63.10(b)(3), requires the owner or operator of a stationary source that emits (or has the potential to emit, without considering controls) one or more HAPs and is not subject to a relevant standard or other requirements established under Part



63, to keep a record of the applicability determination on site for a period of five years after the determination.

17. The NESHAP, at 40 C.F.R. § 63.1259(a)(2), requires the owner or operator of a stationary source that is not subject to Subpart GGG to keep a record of the applicability determinations as specified in 40 C.F.R. § 63.10(b)(3).

18. The NESHAP, at 40 C.F.R. § 63.1260(f)(1), requires the owner or operator to submit the results of any applicability determinations, emission calculations or analyses used to identify and quantify HAP emissions from the affected source in the Notification of Compliance Status Report (NOCSR).

19. The NESHAP, at 40 C.F.R. § 63.1259(c), requires the owner or operator of an affected source to keep records of each operating scenario which demonstrates compliance with Subpart GGG.

20. The NESHAP, at 40 C.F.R. § 63.1260(f)(4), requires the owner or operator to submit in the NOCSR a listing of all operating scenarios.

21. The NESHAP, at 40 C.F.R. § 63.1257(d)(3)(iii)(B), requires the owner or operator to demonstrate that the condenser, during periods when the condenser is operating as a process condenser, is properly operated if the process condenser meets either of the criteria described in 40 C.F.R. § 63.1257 (d)(3)(iii)(B)(1) and (2).

22. The NESHAP, at 40 C.F.R. § 63.1260(f)(3), requires the owner or operator to submit in the NOCSR descriptions of monitoring devices, monitoring frequencies, and the values of monitored parameters established during the initial compliance demonstrations, including data and calculations to support the levels established.



23. The NESHAP, at 40 C.F.R. § 63.1257(d)(3)(iii)(A), requires an owner or operator, during periods in which a condenser functions as an air pollution control device, to calculate controlled emissions using the emission estimation equations.

24. The NESHAP, at 40 C.F.R. § 63.1258(a), requires an owner or operator to provide evidence of continued compliance with the standard as specified in this section. During the initial compliance demonstration, maximum or minimum operating parameter levels, as appropriate, shall be established for emission sources to indicate that the source is in compliance.

25. The NESHAP, at 40 C.F.R. § 63.1258(b)(1), requires an owner or operator of each control device to install and operate monitoring devices and operate within the established parameter levels to ensure continued compliance with the standard.

26. The NESHAP, at 40 C.F.R. § 63.1258(b)(1)(i), requires an owner or operator of control devices that control vent stream emissions totaling less than 1 ton per year HAP emissions, before control, to conduct monitoring consisting of daily verification that the devices are operating properly.

27. The NESHAP, at 40 C.F.R. § 63.1260(f)(5), requires an owner or operator to submit in the NOCSR descriptions of worst-case operating and/or testing conditions for control devices.

28. The NESHAP, at 40 C.F.R. § 63.1257(a)(1), requires the owner or operator of a control device to address the composition and organic HAP concentration of the vent stream entering the control device in a design evaluation.

29. The NESHAP, at 40 C.F.R. § 63.1257(a)(1)(iii), requires the owner or operator of a condenser to consider other vent stream characteristics and control device operating parameters, and to measure the temperature of the gas stream exiting the condenser to establish the outlet

organic HAP concentration.

30. The NESHAP, at 40 C.F.R. § 63.1260(f)(2), requires the owner or operator to submit in the NOCSR the results of emission profiles, performance tests, engineering analyses, design evaluations, or calculations used to demonstrate compliance.

31. The NESHAP, at 40 C.F.R. § 63.1256(a), requires the owner or operator of any affected source to comply with the general wastewater requirements in 40 C.F.R. § 63.1256(a)(1) through (3) and the maintenance wastewater provisions in 40 C.F.R. § 63.1256(a)(4).

32. The NESHAP, at 40 C.F.R. § 63.1256(a)(1), requires the owner or operator to identify, for each point of determination (POD), wastewater streams meeting the criteria specified in 40 C.F.R. § 63.1256(a)(1)(i)(A) through (C).

33. The NESHAP, at 40 C.F.R. § 63.1257(d)(2)(i)(A), requires an owner or operator to determine uncontrolled HAP emissions from vapor displacement due to transfer of material.

34. The NESHAP, at 40 C.F.R. § 63.1257(d)(2)(i)(B), requires an owner or operator to determine uncontrolled HAP emissions from purging.

35. The NESHAP, at 40 C.F.R. § 63.1257(d)(2)(i)(C), requires an owner or operator to determine uncontrolled HAP emissions from heating.

36. The NESHAP, at 40 C.F.R. § 63.1257(d)(2)(i)(D), requires an owner or operator to determine uncontrolled HAP emissions from depressurization.

37. The NESHAP, at 40 C.F.R. § 63.1257(d)(2)(i)(E), requires an owner or operator to determine uncontrolled HAP emissions from vacuum systems.

38. The NESHAP, at 40 C.F.R. § 63.1257(d)(2)(i)(F), requires an owner or operator to determine uncontrolled HAP emissions from gas evolution.



39. The NESHAP, at 40 C.F.R. § 63.1257(d)(2)(i)(G), requires an owner or operator to determine uncontrolled HAP emissions from air drying.

40. The NESHAP, at 40 C.F.R. § 63.1257(d)(2)(i)(H), requires an owner or operator to determine uncontrolled HAP emissions from empty vessel purging.

41. The NESHAP, at 40 C.F.R. § 63.1257(d)(3)(i)(B), requires an owner or operator to determine controlled HAP emissions from a condenser acting as a control device using exhaust gas temperature measurements and calculations for each batch emission episode.

### **General Allegations**

42. 3M Company owns and operates a chemical plant at 22614 Route 84 North in Cordova, Illinois 61242.

43. At the Cordova plant, 3M Company has a pharmaceutical manufacturing operation consisting of two production lines that manufacture pharmaceutical products within the meaning of the NESHAP for Pharmaceuticals Production. The Cordova plant site is a major source as defined in Section 112(a) of the Act. And, 3M Company uses HAPs at various stages of its pharmaceutical manufacturing process. Therefore, 3M Company is subject to the requirements of the NESHAP for Pharmaceuticals Production at 40 C.F.R. Part 63, Subpart GGG.

### **Count I**

44. Paragraphs 1 through 43 of this Complaint are incorporated by reference as if fully set forth in this paragraph.

45. 3M Company failed to have an SSMP developed and implemented by the compliance date of October 21, 2002. This is a violation of 40 C.F.R. § 63.6(e)(3)(i), 40 C.F.R. § 63.1259(a), and 40 C.F.R. § 63.1259(a)(3).





**Count II**

46. Paragraphs 1 through 43 of this Complaint are incorporated by reference as if fully set forth in this paragraph.

47. 3M Company failed to have a Maintenance Wastewater Plan developed and implemented by the compliance date of October 21, 2002. This is a violation of 40 C.F.R. § 63.1256(a)(4), 40 C.F.R. § 63.1256(a)(4)(i), 40 C.F.R. § 63.1256(a)(4)(iii), 40 C.F.R. § 63.1256(a)(4)(iv).

**Count III**

48. Paragraphs 1 through 43 of this Complaint are incorporated by reference as if fully set forth in this paragraph.

49. 3M Company failed to have Applicability Determinations on site available for the U.S. EPA to make a finding about the source's applicability status with regards to the relevant standard or other requirement. This is a violation of 40 C.F.R. § 63.10(b)(3), 40 C.F.R. § 63.1259(a)(2), and 40 C.F.R. § 63.1260(f)(1).

**Count IV**

50. Paragraphs 1 through 43 of this Complaint are incorporated by reference as if fully set forth in this paragraph.

51. 3M Company failed to timely complete operating scenarios or a log of operating scenarios to meet the definition in 40 C.F.R. § 63.1251 with regard to the relevant standard. This is a violation of 40 C.F.R. § 63.1259(c) and 40 C.F.R. § 63.1260(f)(4).

**Count V**

52. Paragraphs 1 through 43 of this Complaint are incorporated by reference as if fully



set forth in this paragraph.

53. 3M Company failed to timely perform an initial compliance demonstration for its process condensers. This is a violation of 40 C.F.R. § 63.1257(d)(3)(iii)(B) and 40 C.F.R. § 63.1260(f)(3).

#### **Count VI**

54. Paragraphs 1 through 43 of this Complaint are incorporated by reference as if fully set forth in this paragraph.

55. 3M Company failed to timely identify control devices associated with its pharmaceutical production processes. This is a violation of 40 C.F.R. § 63.1257(d)(3)(iii)(A), 40 C.F.R. § 63.1258(a), 40 C.F.R. § 63.1258(b)(1), 40 C.F.R. § 63.1258(b)(1)(i), and 40 C.F.R. § 63.1260(f)(5).

#### **Count VII**

56. Paragraphs 1 through 43 of this Complaint are incorporated by reference as if fully set forth in this paragraph.

57. 3M Company failed to timely perform design evaluations on the control devices used for its pharmaceutical production processes. This is a violation of 40 C.F.R. § 63.1257(a)(1), 40 C.F.R. § 63.1257(a)(1)(iii), and 40 C.F.R. § 63.1260(f)(2).

#### **Count VIII**

58. Paragraphs 1 through 43 of this Complaint are incorporated by reference as if fully set forth in this paragraph.

59. 3M Company failed to identify wastewater streams generated from its pharmaceutical production processes. This is a violation of 40 C.F.R. §§ 63.1256(a) and 63.1256(a)(1).

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**Count IX**

60. Paragraphs 1 through 43 of this Complaint are incorporated by reference as if fully set forth in this paragraph.

61. 3M Company has modeled the pharmaceutical production processes: Cordran, Ioban, DuraPrep Step 1, DuraPrep Step 2, and Duraprep Step 3, incorrectly in its emission model software. This constitutes violations of 40 C.F.R. §§ 63.1257(d)(2)(i)(A), 63.1257(d)(2)(i)(B), 63.1257(d)(2)(i)(C), 63.1257(d)(2)(i)(D), 63.1257(d)(2)(i)(E), 63.1257(d)(2)(i)(F), 63.1257(d)(2)(i)(G), 63.1257(d)(2)(i)(H), and 40 C.F.R. § 63.1257(d)(3)(i)(B).

**Notice of Proposed Order Assessing a Civil Penalty**

62. Section 113(e)(1) of the Act, 42 U.S.C. § 7413(e)(1), requires the Administrator of U.S. EPA to take the following factors into consideration when determining the amount of any penalty assessment under Section 113:

- a. the size of Respondent's business;
- b. the duration of the violations alleged in the Complaint as established by any credible evidence;
- c. the seriousness of the violations; and
- d. such other factors as justice may require.

63. Based upon the facts alleged in this Complaint and the factors noted in paragraph 60 above, Complainant proposes to assess a civil penalty against Respondent in the amount of \$110,000. Complainant calculated this proposed penalty according to Section 113(e)(1) of the Act. In developing the proposed penalty, Complainant considered the facts and circumstances of this case with specific reference to U.S. EPA's Clean Air Act Stationary Source Penalty Policy, a



copy of which is enclosed with this Complaint.

64. In considering the seriousness of the violation, Complainant also considered the importance of the NESHAP for Pharmaceutical Production to achieving the goals of the Act and its implementing regulations. Accordingly, the proposed penalty includes a component corresponding to the importance of these violations to the regulatory scheme.

65. Pursuant to the Act, Complainant has considered the duration of each of the violations in assessing the actual or possible harm resulting from such violations. The violations commenced on October 21, 2002 and continued for many months for some of the violations and through present for other violations.

66. Pursuant to the Act, Complainant has considered the size of Respondent's business in determining the appropriate penalty.

67. Pursuant to the Act, Complainant has considered the economic impact of the penalty on Respondent's business. Based on the best information available to Complainant at this time, the proposed penalty of \$ 110,000 reflects a current presumption of Respondent's ability to pay the penalty and to continue in business.

68. Complainant developed the penalty proposed in this Complaint based on the best information available to U.S. EPA at this time. Complainant may adjust the proposed penalty if the Respondent establishes bonafide issues of ability to pay or other defenses relevant to the appropriateness of the penalty.

69. Respondent shall pay the proposed penalty by certified or cashier's check payable to "Treasurer, the United States of America", and shall deliver it, with a transmittal letter identifying the name of the case and docket number of this Complaint, to:



U.S. Environmental Protection Agency  
Region 5  
P.O. Box 70753  
Chicago, Illinois 60673

Respondent shall also include on the check the name of the case and the docket number.

Respondent simultaneously shall send copies of the check and transmittal letter to:

Attn: Compliance Tracker, (AE-17J)  
Air Enforcement and Compliance Assurance Branch  
Air and Radiation Division  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

and to:

Reginald A. Pallesen  
Associate Regional Counsel  
Office of Regional Counsel(C-14J)  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

**Opportunity to Request a Hearing**

70. Section 113(d)(2) of the Act, 42 U.S.C. § 7413(d)(2), requires the Administrator of U.S. EPA to provide an opportunity to request a hearing to any person against whom the Administrator proposes to assess a penalty. Accordingly, you have the right to request a hearing to contest any material fact alleged in the Complaint and/or to contest the appropriateness of the amount of the proposed penalty. To request a hearing, you must specifically make the request in your Answer, as discussed in paragraphs 69 through 74 below. Any hearing which you request regarding the Complaint will be held and conducted in accordance with the provisions of the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and



the Revocation or Suspension of Permits” (Consolidated Rules), 40 C.F.R. Part 22.

**Answer**

71. To avoid being found in default, you must file a written Answer to this Complaint with the Regional Hearing Clerk, (R-19J), U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, within 30 calendar days of your receipt of this Complaint. In computing any period of time allowed under this Complaint, the day of the event from which the designated period begins to run shall not be included. Saturdays, Sundays and Federal holidays shall be included, except when a time period expires on such, in which case the deadline shall be extended to the next business day.

72. Your Answer must clearly and directly admit, deny or explain each of the factual allegations contained in the Complaint, or must state clearly that you have no knowledge regarding a particular factual allegation which you cannot admit, deny or explain, in which case the allegation will be deemed denied.

73. Your Answer shall also state with specificity:

- a. the circumstances or arguments which you allege constitute grounds for defense;
- b. the facts that you intend to place at issue; and
- c. whether you request a hearing as discussed in paragraph 68 above.

74. Your failure to admit, deny or explain any material factual allegation in the Complaint will constitute an admission of the allegation. The Consolidated Rules provide that any hearing that shall be held will be a “hearing upon the issues raised by the complaint and answer.”



75. You must send a copy of your Answer and of any documents subsequently filed in this action to:

Reginald A. Pallesen  
Associate Regional Counsel  
Office of Regional Counsel(C-14J)  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

76. If you fail to file a written Answer within 30 calendar days of your receipt of this Complaint, the Administrator of U.S. EPA may issue a Default Order pursuant to 40 C.F.R. § 22.17(a). Issuance of a Default Order will constitute a binding admission of all allegations made in the Complaint and a waiver of your right to a hearing. The proposed penalty will become due and payable without further proceedings 60 days after the Default Order becomes the Final Order of the Administrator pursuant to 40 C.F.R. § 22.27 or § 22.31.

**Settlement Conference**

77. Whether or not you request a hearing, you may request an informal conference to discuss the facts of this action and to arrive at a settlement. To request a settlement conference, write to:

Constantinos Loukeris  
Air Enforcement and Compliance Assurance Branch  
Air and Radiation Division (AE-17J)  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

You may telephone Mr. Loukeris at (312) 353-6198.

78. Your request for an informal settlement conference does not extend the 30 calendar day period during which you must submit a written Answer to this Complaint. You may pursue

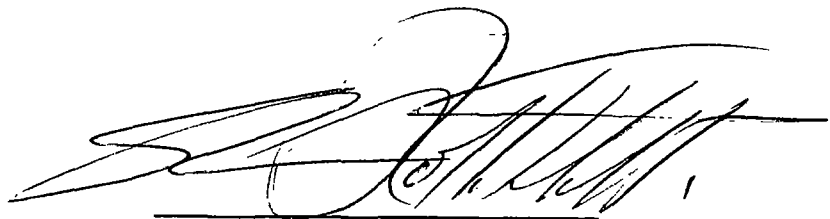


simultaneously the informal settlement conference and adjudicatory hearing processes. U.S. EPA encourages all parties facing civil penalties to pursue settlement through an informal conference. However, U.S. EPA will not reduce the penalty simply because the parties hold such a conference. Any settlement that the parties reach as a result of a conference will be embodied in a consent order. Your agreement to a consent order issued pursuant to 40 C.F.R. § 22.27 will constitute a waiver of your right to request a hearing on any matter stipulated to therein.


**Continuing Obligation to Comply**

79. Neither assessment nor payment of a civil penalty shall affect your continuing obligation to comply with the Act or any other federal, state or local law or regulation.

9/24/2004  
Date



Stephen Rothblatt, Director  
Air and Radiation Division  
U.S. Environmental Protection  
Agency, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

CAA-05- 2004 0046  






In the Matter of 3M Company  
Docket No.

CAA-05- 2004 0046 *[Signature]*

CERTIFICATE OF SERVICE

I, Shanee Rucker, certify that I hand delivered the original of the foregoing Administrative Complaint to the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, and that I mailed correct copies, along with a copy of the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits," 40 C.F.R. Part 22, and a copy of the Penalty Policy (described in the Complaint) by first-class, postage prepaid, certified mail, return receipt requested, to the Respondent by placing it in the custody of the United States Postal Service addressed as follows:

Michael A. Nash  
3M Office of General Counsel  
3M Center, Building 0220-11-W-02  
P.O. Box 33428  
St. Paul, Minnesota 55133-3428

RECEIVED  
REGIONAL HEARING  
CLERK  
SEP 28 AM 12:28  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY  
REGION V

on the 28<sup>th</sup> day of September, 2004.

*Shanee Rucker*  
Shanee Rucker, Secretary  
AECAS (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 00061558 62 71

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